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In Support of the Common Domestic Defense: Unity of Command Between Federal and State Controlled Military Forces

by

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A paper submitted to the faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

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ABSTRACT

The purpose of this paper is to address the complex nature of Defense Support to Civil Authorities (DSCA). Given the implementation of the National Response Plan (NRP) and the rising importance of homeland security tasks, the Department of Defense (DoD) is continuing to formalize relationships with other departments in the federal government and operate more efficiently in the interagency environment. During domestic events, it is imperative to establish unity of command and unity of effort within the DoD response to provide the LFA with effective and appropriate levels of support.

Improvements in the following areas could enhance DoD command and control effectiveness during defense support to civil authorities; 1) better integration between existing state National Guard (NG) and Active Component (AC) command and control systems, 2) development of an aggressive NRP and NIMS education program within units stationed in the USNORTHCOM and USPACOM AOR, 3) USNORTHCOM develops a domestic exercises branch to provide exercise support across the interagency arena for DoD support to the LFA, and 4) developing an aggressive public information response cell to assist the LFA during the initial phases of federal support.

Implementing the above recommendations do not require new command and control structures, but effective use of the existing ones. Success in these tasks provides better defense support when the civil authorities request assistance.

In Support of the Common Domestic Defense: Unity of Command Between Federal and State Controlled Military Forces

America's first line of defense in the aftermath of any terrorist attack is its first responder community—police officers, firefighters, emergency medical providers, public works personnel, and emergency management officials.

- National Strategy for Homeland Security¹

INTRODUCTION

During the 2005 hurricane season, the federal response to Hurricane Katrina became a critical issue in politics, public opinion and the media. Hurricane Katrina produced a level of destruction previously unimaginable and unanticipated in many domestic response plans. Unfortunately, response to natural or manmade disasters is a single component of the greater homeland security problem. The National Response Plan (NRP) is the national standard for incident management. As stated in Homeland Security Presidential Directive/HSPD-5, the Department of Homeland Security (DHS) has the requirement to standardize federal domestic incident management.² The NRP and the National Incident Management System (NIMS) are complete; however, integration down to the local level has provided DHS with numerous challenges, such as funding, available resources, and current communications. Emergency management capabilities vary greatly throughout the United States. For example, the State of Florida has a permanent emergency management staff of thirty people and can surge to one hundred if needed. Mississippi has a permanent emergency management staff of ten and can surge to thirty. Florida assigns emergency management personnel to the county level and Mississippi makes emergency management an additional duty at the county level.³ This disparity starts at the state level and permeates to the local level.

The first line of defense in the domestic war on terror falls on the shoulders of the local and state governments, not the federal government. The NRP lists fifteen Emergency Support Functions (ESF) for coordinating federal interagency support during Incidents of National Significance (INS). In fourteen of the fifteen ESFs, the Department of Defense (DoD) will support the lead federal agency (LFA), as opposed to DoD being the LFA.⁴ ESF 3, public works and engineering, is the only ESF that DoD serves as the LFA.⁵ During domestic events, it is imperative to establish unity of command and unity of effort within the DoD response to provide the LFA with effective and appropriate levels of support.

Local governments have limited resources to respond to major natural disasters, manmade disasters or weapons of mass destruction (WMD) incidents. DoD maintains equipment and expertise required to provide a sustained response to these events. Given DoD's unique capabilities and the inevitability of responding to one or more of these domestic incidents, it is imperative that the DoD response exhibits unity of effort and effectively integrates into the federal response system in support of the LFA.

ANALYSIS

DHS is the LFA for domestic preparedness, but by no means is the only federal agency responsible for homeland security. During Defense Support to Civil Authorities (DSCA) missions, DoD provides valuable support to the LFA, but must follow current laws governing the DoD response.

Several federal documents define the DoD role in homeland security. It is important to start with the National Strategy for Homeland Security and the DoD Strategy for Homeland Defense and Civil Support. The President of the United States (POTUS) effectively communicated his vision for homeland security through the National Strategy for

Homeland Security and provided the policy for our national approach utilizing critical mission areas. The DoD Strategy for Homeland Defense and Civil Support incorporates the guidance from the National Strategy for Homeland Security and effectively communicates the DoD policy to secure the homeland through military operations or support to a LFA.

The POTUS issued Homeland Security Presidential Directive/HSPD-5 (Management of Domestic Incidents) to assign responsibilities for domestic response and training standards introduced in the National Strategy for Homeland Security. Specific conditions for a federal response to domestic incidents are outlined in the document;

(1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary [of Homeland Security]; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary [of Homeland Security] has been directed to assume responsibility for managing the domestic incident by the President.⁶

Once an incident meets the above criteria, HSPD-5 designates the Secretary of Homeland Security as the Principal Federal Official (PFO) for domestic incident management.⁷

DoD support is not required for every domestic incident. In the words of a Defense Coordinating Officer (DCO) interviewed for this paper, “DoD is the department of last resort.”⁸ DoD support is expensive to employ and does not always provide the best solution for a domestic scenario. If the Secretary of Homeland Security or his designated representative identifies a requirement for DoD forces, the request for assistance (RFA) is forwarded to the Pentagon for review. The Secretary of Defense (SecDef) is the approval authority for RFAs from the LFA requesting defense support.⁹ To simplify the request process, a DCO is appointed by the SecDef to serve as the single point of contact in the incident area for DoD support.¹⁰ The DCO will evaluate the RFA for feasibility and forward

the request through the Combatant Commander to the DoD for SecDef approval. Once approved by the SecDef, the Joint Director of Military Support (JDOMS) will issue the order to the supporting Service.

The Stafford Act establishes the procedure to request federal assistance through the President for disaster relief.¹¹ The timeliness of a RFA greatly impacts the military's ability to respond. The request process follows specific standards and military officials have very little authority to respond without a request from the LFA or the state's governor or legislature and an execute order from JDOMS.

The DoD experienced significant changes in mission requirements as a result of homeland security requirements and operations overseas. DoD Directive (DoDD) 3000.05 (Military Support for Stability, Security, Transition, and Reconstruction [SSTR] Operations, dtd. 28 Nov 05) places a comparable priority between stability and combat operations.¹² The immediate goal of stability operations is to establish security, restore essential services and conduct humanitarian operations.¹³ Based on the new policy, the military will train to conduct these tasks and develop proficiency in executing stability operations. Domestic incident response usually incorporates many stability operations tasks. Given an incident requiring federal support, these stability tasks typically require state and federal controlled military forces to meet the requirements in the early stages of consequence management.



National Guard 101, slide 21

When active duty and National Guard forces respond to an incident, they respond under different command authorities, either state or federal control. The National Guard typically provides the first uniformed military response for

the governor. The state governor controls state National Guard troops in a State Active Duty (SAD) and Title 32 (full time National Guard) status. National Guard troops under the control of the governor in either status are not limited by the Posse Comitatus Act (PCA) and provide a much more versatile force for the governor in consequence management or law enforcement missions.¹⁴ The PCA prevents the use of the Army and the Air Force in the conduct of domestic law enforcement functions unless special authorizations have been granted under the authority of the Constitution (source of Presidential authority) or acts of Congress.¹⁵ Active duty forces or National Guard forces under Title 10 are federally controlled and limited in their law enforcement role by the PCA. Once National Guard forces assume Title 10 status, they are relieved of their responsibilities to the individual state governor. Activating forces in a Title 10 status often relieves the state of a tremendous amount of manpower. During crisis management, individual states are very reluctant to federalize National Guard forces unless specific agreements are made regarding their employment in support of the incident. If required to perform law enforcement functions, a mixed force of SAD/Title 32 and Title 10 forces may be required.

The Defense Authorization action of 2004 amended section 325 of Title 32 and allowed National Guard officers to serve in a dual status (state National Guard and active duty) if authorized by the President and Governor.¹⁶ This change provided a legitimate commander for both state controlled and active duty forces under a single command structure. This structure effectively provided command and control during three National Special Security Events (NSSE) and support to the US Border Patrol: Group of 8 Conference at Sea Island, GA; Democratic National Convention; Republican National Convention; and Operation Winter Freeze (border security along Canadian border).

The 1992 Los Angeles riot (aka The Rodney King riot) provides an excellent case study in the command and control difficulties experienced when National Guard and active duty forces are improperly integrated during the consequence management phase. Understandably, the current laws and doctrine were not applicable, but there are tremendous similarities applicable to operations today.

California National Guard forces provided the initial response to the riots. The military command structure was under state control and reported to the Governor. The National Guard units reported in support of local law enforcement (LE) officials and began to assist in restoring order to Los Angeles. The units were employed to areas corresponding with LE jurisdictions.¹⁷ This decision provided local LE agencies with the greatest unity of effort between LE and military forces. In a very fluid environment, this command and control organization allowed decisions to be made at the lowest level appropriate.

Ultimately, the Governor of California requested federal support after the Mayor of Los Angeles requested additional support after receiving counsel from former Secretary of State, Warren Christopher.¹⁸ Upon the arrival of a federal military command structure, support to local law enforcement officials was reduced by approximately 80% because of an improper application of the PCA.¹⁹ The President signed an executive order authorizing the use of federal forces to restore order when he approved the Governor's request for forces and eliminated the PCA restrictions.²⁰

The problems were due in large part to a lack of coordination between the initial National Guard commander and the incoming federal commander. The federal commander redefined the operational boundaries and implemented new rules of engagement, which redefined the level of support provided to LE officials.²¹ Misunderstandings between the

federal commander and local law enforcement officials regarding military employment criteria often provided a lower level of support to local LE officials than requested. Training for domestic response and preparedness exercises were non-existent. This case study amplifies the worst case scenario, but in many situations, similar parameters for breakdowns in the federal military response exist today.

The Group of Eight summit in 2004 demonstrates the success of a dual status commander. The Joint Task Force (JTF)-G8 commander was a National Guard general officer who was authorized to command all military forces (SAD, Title 32, and Title 10) supporting the summit. This provided the United States Secret Service (LFA for NSSE) with a single point of contact for all military support. Early participation in planning conferences and close coordination with interagency partners allowed the DoD to provide an accurate force package and appropriate command and control structure. The problems encountered during the summit were largely based on incompatible communications systems and access to domestic intelligence.²² These issues are not uncommon and DHS is tasked to implement the solutions to create a more effective domestic response system. Given a pre-planned event, DoD support to the LFA serves as a tremendous force multiplier. The military decision making process (MDMP) applies to domestic situations and through early participation in the planning process assists the LFA with a construct for planning.

In certain situations, the required planning for future events quickly overwhelms the capabilities of the LFA. During the planning for the 2004 dedication of the World War II memorial in Washington, D.C., the U.S. Park Police was the LFA. The Park Police did not have the experience planning an interagency event of this magnitude to the level of detail required. The United States Northern Command's (USNORTHCOM) only regionally

focused JFHQ, Joint Force Headquarters – National Capital Region (JFHQ-NCR), provided planning assistance and support to the LFA as authorized by the SecDef. As a result, the Park Police developed their most effective plan for an event on the National Mall to that date.

Hurricane Katrina magnified the complexities of consequence management over a large geographical area. The total destruction from Hurricane Katrina exposed shortfalls in the NRP and the importance of a common operational picture during incident response. DHS is attempting to develop a common standard from domestic incident response through the implementation of the National Incident Management System (NIMS), but NIMS has not been integrated down to every local government.²³

A critical element of operational command and control for any force during domestic incident response is an understanding of the NRP and NIMS. Future success in domestic response depends upon a comprehensive exercise system to reinforce the use of the NRP and NIMS. Congress has mandated a national-level Top Officials (TOPOFF) exercise program be conducted every two years under the direction of the DHS. TOPOFF exercises provide a great national level perspective. The last TOPOFF exercise, TOPOFF 3, conducted from 4-8 April 2005, included 27 federal, 30 state, and 44 local departments and agencies in addition to 156 private sector organizations.²⁴ This level of national participation provides a great conduit for DoD integration to the lowest levels of incident response.

One missing element from TOPOFF is the proper integration of the local and state response prior to the activation of a federal level response. During TOPOFF 3, federal assistance was inserted prematurely into the exercise without properly working through the local response and recovery efforts.²⁵ A more comprehensive local and state level exercise system needs to be integrated into the national level scenario to ensure interoperability to the

lowest level. Incident response is a bottom-up process and failure at the lower levels greatly complicates a unified federal response.

Friction points remain between state and federal response systems. The DHS Inspector General stated in his TOPOFF 3 report, “the exercise (TOPOFF 3) highlighted - at all levels of government - a fundamental lack of understanding for the principles and protocols set forth in the NRP and NIMS.”²⁶ It is important to understand the NIMS and provide a DoD response in accordance with this designated framework for incident management. A robust exercise program would allow command and control elements to exercise their responsibilities within the NRP and NIMS framework.

Military doctrine continues to evolve on domestic response and stability operations. Two keystone DoD documents, the Strategy for Homeland Defense and Civil Support and Joint Publication (JP) 3-26 (Homeland Security), are less than a year old. The third document, JP 3-26.1 (Homeland Defense), still remains in draft. The SecDef published several Department of Defense Directives (DoDD), but the official doctrine continues to emerge. A robust military professional education effort to understand these changes and the protocols for domestic response is lacking. The change from normal military operations to domestic response protocols will require additional training for military command and control systems.

RECOMMENDATIONS

DoD policy states stability operations “shall be given priority comparable to combat operations.”²⁷ Stability operations include a combined and interagency approach to restore stability upon the conclusion of major combat operations.²⁸ DoDD 3000.05, directs U.S. forces “to provide the local populace with security, restore essential services, and meet

humanitarian needs” and “be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so.”²⁹ Based on these tasks, stability operations overseas draw many parallels with homeland security missions and the DoD will continue to develop core competencies in these areas.

Two geographical combatant commands provide homeland defense for the United States and its territories. USNORTHCOM serves as the geographical combatant commander for the continental United States and has the lead in homeland defense and support to civil authorities within the USNORTHCOM area of responsibility (AOR). USPACOM serves as the geographical combatant commander for Hawaii, Alaska and U.S. territories in the USPACOM AOR. Several documents outside the traditional military sources for guidance apply to homeland security missions. Given the latest policy and doctrine provided in JP 3-26 and DoDD 3000.05, the NRP and NIMS must be incorporated in the command and control procedures for a DoD domestic response.³⁰

Improvements in the following areas could enhance DoD command and control effectiveness during defense support to civil authorities; 1) better integration between existing state NG and AC command and control systems, 2) development of an aggressive NRP and NIMS education program within units stationed in the USNORTHCOM and USPACOM AOR, 3) USNORTHCOM develops a domestic exercises branch to provide exercise support across the interagency arena for DoD support to the LFA, and 4) developing an aggressive public information response cell to assist the LFA during the initial phases of federal support.

Better integration between existing state NG and AC command and control systems.

In order to provide maximum unity of command and unity of effort within the DoD response,

a dual-status (Title 10 and Title 32) commander is beneficial during preplanned DoD support missions. The National Guard maintains strategic displacement throughout the United States and her territories located within approximately 2700 communities and 54 states and territories.³¹

During crisis management, maintaining an active duty commander for Title 10 forces and a dual-status (Title 10/Title 32) commander for state controlled (SAD or Title 32) forces provides the most efficient command and control structure. The active duty commander will maintain control of the federal forces to prevent improper employment within the guidelines of current laws. The National Guard officer will provide a command and control structure for the state controlled forces and report to the governor. This relationship will prevent the state command and control structure from experiencing massive increases and reductions as federal forces flow in and out of the disaster area.

In many cases, the National Guard under state control will be the first military asset to respond.³² The governor will deploy the National Guard under state control to effectively assist in the re-establishment of order. Through mutual aid pacts as authorized by the Stafford Act, National Guard forces will initiate movement to an incident scene before federal assistance is authorized.³³ Several states dual-hat National Guard leadership and utilize them in EMA roles. For example, the assistant adjutant general in Louisiana is also the chief of the Louisiana EMA.³⁴ Given this type of relationship between the National Guard leadership and EMA, it is important to allow state command and control structures to maintain a state focus.

Each state currently has a state controlled National Guard command structure organized to respond to domestic incidents. JFHQ-State is integrated into national

consequence management and contingency planning structures and capable of providing a common operational picture (COP) to national level headquarters before and during any contingency operation.³⁵ This headquarters includes state personnel, but usually has interaction with the Emergency Preparedness Liaison Officer (EPLO). The EPLO is assigned to a FEMA region or state to serve as a liaison with the state for military support to civil emergencies and maintain communication between the DoD components and federal and state governments.³⁶

Within the individual states and under the control of the governor, Civil Support Teams – WMD respond to domestic incidents and provide an initial damage assessment and estimate of required support. By November 2006, each state will have a Civil Support Team – WMD.³⁷ These entities will provide an extremely specialized resource to the initial incident and provide a valuable resource during the entire response.

Individual governors have the authority to employ a JTF-State to control state forces prior to a federal declaration of assistance.³⁸ Effectively maintaining this structure for state forces and coordinating with the active duty commander maintains unity of command between the different state and federally controlled forces. The state command structure will provide the greatest degree of situational awareness about the incident and AOR to the incoming federal forces. Continuing to maintain the state controlled forces will provide the greatest response to local authorities given their ability to conduct law enforcement operations in addition to stability operations. Maintaining the distinction between state and federal forces will minimize the local and state government's confusion regarding authorities under U.S. Code, such as the PCA. Federal forces typically redeploy before state forces and a federal command structure will minimize the JTF-State requirement for redeployment

planning and execution of federal forces. Developing a liaison structure, utilizing the EPLO, between the USNORTHCOM JTF and JTF-State will achieve the greatest unity of effort across the military response.

Critical to the effective employment of JTF-State and a USNORTHCOM JTF in the same AOR is inclusion of JFHQ-State in USNORTHCOM exercises and leveraging their existing relationships with local and state authorities. State and federally commanded forces provide a tremendous capability to local authorities, but establishing the functional relationship between these two different headquarters must be established prior to execution in response to a domestic incident.

National Response Plan (NRP) and National Incident Management System (NIMS) education programs. Understanding of the NRP and NIMS are critical to providing a coordinated response to a domestic incident. USNORTHCOM, in coordination with the service components, must develop a structure to educate personnel on the key components of each program. Currently, the DoD Emergency Preparedness Course spends two hours from a five day curriculum on the NRP and NIMS.³⁹ This limited amount of time provides very little more than a cursory overview of both documents. Personnel assigned to USNORTHCOM JFHQs, selected members of 5th Army/ARNORTH, DCO/Defense Coordinating Elements (DCE) and service garrison commands need to have a thorough understanding of the NRP and NIMS. These personnel will provide the initial response to civilian agencies in the event of a domestic incident. A thorough understanding at this level will promote decision making at the lowest appropriate level and provide a faster response. Once personnel rotate from these positions, they will be able to carry the knowledge to the field force.

The DoD Emergency Preparedness Course could serve as a good start, but education on the NRP and NIMS will need to be tailored to appropriate grades and responsibilities within the command structure. The DoD Strategy for Homeland Defense and Civil Support highlighted this education requirement and set forth the SecDef's intent to increase understanding.⁴⁰ Mobile training teams from the Department of Homeland Security and DoD could provide instruction on the NIMS and DoD roles and responsibilities to meet this requirement.

USNORTHCOM develops a domestic exercises branch. USNORTHCOM should develop a domestic exercises division within the 5th U.S. Army/ARNORTH command structure. The purpose for the domestic exercises division is to integrate DoD participation into interagency exercises and create working relationships with the interagency exercise planners down to the local levels. It would provide assistance in scenario development for TOPOFF exercises and develop techniques for individual services to participate in local and state exercises through their garrison leadership structures. The creation of this element is designed to eliminate the seam between state/local and federal exercises for DoD forces.

At the local and state level, the installations would utilize local force protection/anti-terrorism (FP/AT) exercises developed within the parameters of the 15 hazard planning scenarios.⁴¹ The exercises would provide a lower level exercise during the even years to facilitate the logical progression to a TOPOFF level exercise. Based on past exercises conducted at the Naval War College, the State level often understands their responsibilities to the federal response mechanism. The local governments experience the greatest degree of difficulty.⁴² The garrison level exercises would encompass a larger number of lower level government agencies because of the geographically dispersed nature of DoD installations.

Through coordination with local governments, the local garrisons would nest into local and state exercises to provide interaction at the lowest appropriate level. The 5th U.S. Army/ARNORTH G-7, domestic exercises would help coordinate these lower level exercises, provide planning expertise, and serve as USNORTHCOM oversight for lower level exercises.

The current DCO/DCE network and EPLOs already have relationships with their governmental counterparts in their region. DCOs participate in annual tabletop exercises with the states in their region to exercise their roles. USNORTHCOM will support requests from the DCO, but support is not pushed down to assist the DCO in the exercise.⁴³ Under the creation of ARNORTH, the DCO mission will no longer be an additional duty and DCOs will have the ability to devote more time to fostering these relationships. Additionally, the new DCO organization will create additional DCO positions to support each of the ten FEMA regions.⁴⁴ Having a domestic exercise division at ARNORTH to support the DCOs with institutional knowledge and lessons learned from other local and state exercises would foster a uniform response from all DCOs. This is extremely important when DCOs not typically assigned to a region are required to respond because of a large scale disaster. Local exercises are not a federal responsibility, but oversight and participation in local exercises would greatly improve the national response during a TOPOFF exercise and response to an incident.

Public information response cell. During exercises such as TOPOFF 3, Amalgam Virgo 04 (AV04) and Determined Promise 04 (DP04), USNORTHCOM public affairs (PA) successfully provided strong media support to the exercises.⁴⁵ It is important to provide PA templates to DoD participants to ensure the maximum level of support is provided to the

LFA. Inclusion of PA officers in the planning process will greatly improve the ability to deliver a constant positive message to the media.

Public opinion during domestic incidents will influence operations. During the Los Angeles riots, the California National Guard had uncommitted forces prepared to provide additional assistance to law enforcement officials, but negative reports in the media influenced the governor's decision to request federal assistance.⁴⁶ During the early stages of Hurricane Katrina, the media portrayed New Orleans as a city out of control overtaken by widespread violence and murders.⁴⁷ Eventually, the media had access to more areas and later reports provided a more accurate picture. A JTF Commander will undoubtedly experience similar situations when responding to a domestic incident.

It is critical to provide as many Public Affairs Detachments (PAD) as possible to the LFA Joint Information Center (JIC). JP 3-26 (Homeland Security) provides guidelines for media operations during domestic events, and in many cases, PA experience overseas prepares PA Detachments for the high intensity media environment of a domestic incident. A consistent positive message in the media will help reduce the friction experienced by the DoD command and control network during incident response.

CONCLUSION

The proposed recommendations are designed to facilitate preparation for domestic incidents across a wide cross-section of the DoD. Obtaining unity of command across the DoD response requires the integration of forces not usually associated with each other and operating with different authorities. These forces respond under state and federal control, which provides certain legal considerations. It is important to achieve unity of command and unity of effort across all duty statuses (SAD, Title 32 and Title 10) utilizing current command

structures. The tools required to achieve this are learned through effective domestic response exercises and implementation of a comprehensive NRP and NIMS education system.

Given the recent publication of JP 3-26 (Homeland Security) and DoDD 3000.05, skills exercised during a domestic response continue to gain emphasis. Several parallels exist between homeland security and stability operations overseas. Effectively leveraging the military's core competencies of strong command and control networks and flexible response to interagency partners will minimize the impact of terrorist attacks, natural disasters, and manmade disasters on the homeland.

Terrorist attacks, natural disasters and manmade disasters are unconventional enemies that require tremendous training to minimize their impact. The DoD charter to defend the Nation against all enemies foreign and domestic has never been more relevant to the American people. Threats to homeland security are relevant and more dangerous than ever experienced in our history. President Reagan captured the importance of our homeland security responsibilities when he said, "If we lose freedom here [in America], there is no place to escape to. This is the last stand on Earth."⁴⁸

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¹² Department of Defense, *Department of Defense Directive (DoDD) 3000.05, Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations*. (Washington, D.C., 28 Nov 2005), 1.

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²⁷ Department of Defense, *Department of Defense Directive (DoDD) 3000.05, Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations* (Washington, D.C., 28 Nov 2005), 2, para 4.1.

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²⁹ Department of Defense, *Department of Defense Directive (DoDD) 3000.05, Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations* (Washington, D.C., 28 Nov 2005), 1, para 4.2, 4.3.

³⁰ Joint Chiefs of Staff, *Joint Publication 3-26, Homeland Security*, (Washington, DC, 2 Aug 05), p. A-2.

³¹ *National Guard 101*. (Arlington: Virginia, National Guard Bureau, 2005) [The National Guard downloads]; available from <<http://www.ngb.army.mil/downloads/ng101/ng101.ppt>>, slide 13.

³² Only during incidents of immediate response are federal forces allowed to respond to a disaster incident without approval from the SecDef. Immediate response allows the active duty commander to respond to RFAs from civil authorities to save lives, prevent human suffering, or to mitigate great property damage. If the active duty commander responds, he must inform the National Military Command Center through his chain of command using the most expeditious means available (JP 3-26, p. vii).

³³ *The Stafford Act. U.S. Code*, title 42, sec. 612. Mutual aid pacts between States and neighboring countries. (30 Oct 2000).

³⁴ COL Damon Penn, Commander 4/85 Training Support Brigade, phone interview by author, 26 Jan 2006, Newport.

³⁵ National Guard Bureau, *National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond*, (Arlington, VA, 11 October 2005), 8.

³⁶ Department of Defense 4140.25 vol II, *Chapter 15, Military Support to Civil Authorities (MSCA)*, (Washington, D.C., 12 June 2002), 2.

³⁷ *WMD-CST Historical Fact Sheet*. (Arlington: Virginia, National Guard Bureau, 2005) [The National Guard downloads]; available from <http://www.ngb.army.mil/downloads/fact_sheets/doc/WMD-CST_historical.doc>, 1.

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⁴⁸ Ronald W. Reagan, "A Time for Choosing" (political speech delivered in Los Angeles on 27 October 1964), Miller Center of Public Affairs, University of Virginia, Charlottesville; available from http://www.millercenter.virginia.edu/scripps/diglibrary/prezspeeches/reagan/rwr_1964_1027.html; Internet; accessed 20 Jan 2006.